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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Third periodic reports of States parties

HONDURAS*

* For the initial report submitted by the Government of the Honduras, see CEDAW/C/5/Add.44; for the second periodic report submitted by the Government of Honduras, see CEDAW/C/13/Add.9 and CEDAW/C/13/Add.9/Amend.1.

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1. Pursuant to the undertaking contained in article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Honduras in 1982, the following is a report on the legislative, judicial and administrative measures adopted to give effect to the provisions of the Convention. In similar fashion the report is a faithful reflection of the progress made in the status of women, as well as an account of the factors and difficulties which, to a greater or lesser degree, have influenced compliance with the Convention's obligations.

ARTICLE 1 OF THE CONVENTION

2. As far as article 1 of the Convention is concerned: whereas the Government of Honduras, in addition to other activities and anxious to eliminate certain legal provisions which have been detrimental to the image, activity and consideration of women, has introduced some legislative innovations, Honduran women themselves, in spite of their meagre opportunities and sociocultural patterns, have also made efforts to win their equality before the law and the ensuing rights and obligations. The cornerstone of those efforts goes back to the year 1955, with the granting of rights enabling women to enter into the country's political life. The demonstrated capability of Honduran women to participate in vocational and occupational fields in which they have been employed can serve as an initial measurement for forecasting that, when there is an improved level of integration, women will be prepared to contribute to the running of the country by new paths of development.

3. Despite governmental and sectoral endeavours, the predominance in Honduran society of atavistic concepts or prejudice relating to the home have meant that Honduran women are in certain cases assigned a secondary role in economic, social, cultural and political life.

4. In spite of this, the Government intends to resolve the situation by broadening the scope of the strategies already applied so as to strengthen participation by women at all levels, including decision-making and the approval of policies and action. Reference will be made to these in greater detail at a later stage.

ARTICLE 2 OF THE CONVENTION.

5. With regard to article 2 of the Convention: in the Constitution men and women are equal before the law. Article 60 of the Constitution of the Republic, as embodied in Decree No. 131, which has been in force since January 1982, clearly states: "Any discrimination on grounds of sex, race or class, or any other discrimination harmful to human dignity is declared punishable."

6. With respect to legislative and other types of measures imposing sanctions aimed at prohibiting and consequently preventing any discrimination against women, nothing has yet been established in our country. Perhaps in the future, when the relevant economic resources are available, systems of supervision and control will be gradually introduced.

7. With regard to the legal protection of women's rights on a basis of equality with men and the way in which they are given effect by the courts of justice and other public institutions in connection with the protection of

women against any discriminatory act, the Honduran courts, when applying the law, do not practice discrimination. Furthermore, in the areas of administrative, criminal, labour, civil and family law, there are women judges and magistrates who see to it there is no discrimination.

8. With regard to article 2 (e) and (f) (sic) of the Convention, which calls for the following: "To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise", there are still occasional cases of discrimination to be found in the public as well as private sector.

9. Pursuant to the provision which calls for the repeal of all national penal provisions discriminating against women, Honduras has introduced the following innovations:

1. The Criminal Code of 1906, replaced by the Code of 1984, contained provisions, the reforms of which are mentioned below:

- With reference to offences against sexual freedom and propriety, the new Code no longer conceives of a woman as a single passive individual capable of being raped. The crime of rape has remained, however, and is defined as follows: "Carnal knowledge by men of persons of either sex, by the exercise of sufficient force or intimidation, with grave and imminent harm." Although it is certain that in the past adult or under-age males were not excluded from rape, though to a very small degree compared with women, there was a tendency to define the act simply as "indecent abuse", without taking into consideration the fact that the physical and organic damage and the moral trauma engendered in a "male" victim may be more serious than in a woman.

- Consideration of women as feeble and unique creatures likely to be caught committing adultery has been modified on the assumption that it can refer to either of the spouses, in the following way: Article 122 - "A prison sentence of four to six years shall be imposed on a person who in the act of surprising a spouse or partner in flagrant sexual union with another person, causes death or injury to either or both of them, provided the guilty party is of good conduct and that the opportunity for committing the offence was not provoked or merely facilitated by knowledge of the conjugal or marital infidelity."

  Furthermore, it should be made clear that under the Code of 1906, the death, injury or maltreatment of the wife or accomplice by the husband when surprised in adultery was described as a circumstance which mitigated the criminal responsibility of the male spouse, provided his bad conduct had not made the fault of the woman excusable.

  Nowadays death caused in this way is defined as homicide.

- With regard to abortion, the present Criminal Code, as opposed to the 1906 version, gives a definition of abortion for the first time so as to facilitate the understanding of it and to determine

its scope. This legal case is conceptualized in the following way: "Interruption of pregnancy through the premature and violent ejection of the product of gestation or interruption of it in the mother's womb."

- In the definition of offences against propriety the offence of adultery had been abolished.

- With respect to offences against sexual freedom and propriety, the new Code provides for the eventuality that under exceptional circumstances action may be taken ex officio or there may be public action, namely:

  (a) When it is a question of a minor, without a father, mother or guardian;

  (b) When the offence is accompanied by another infringement that can be prosecuted ex officio, or when it is committed by parents, trustees or guardians. This is how article 152 of the new Code has defined it thus in order to make up for some of the original deficiencies brought about in certain cases by the indifference of the municipal and financial trustees in face of the irregular commission of such offences;

  (c) Another new idea introduced through the new Criminal Code is expressed in terms of provisions referring to abduction. As opposed to the 1906 Code, there is no reference in the definition of the offence to maidenhood or virginity, but rather to the decency or good reputation of a woman; nevertheless, abduction committed in the case of a woman of dubious reputation is also punishable. It would seem that decency or good reputation has deserved emphasized legal protection as a moral characteristic and not as a physical characteristic which could involve the loss of a woman's virginity.

- Offences against sexual freedom and propriety such as rape, rape of minors, indecency and abduction are subject to harsher penalties than those contained in the previous Code, especially as concerns offences against minors.

- In the new Criminal Code new types of offences have been included which impose sanctions on those who: assault a pregnant woman, even without causing injury. This applies when the pregnancy is known or visible.

- The new Code includes a new chapter entitled: "Denial of family care", by means of which there is regulation of situations which will be discussed under the relevant headings;

- The new Criminal Code, when referring to circumstances modifying the criminal responsibility, specifies them with division into attenuating and aggravating circumstances; but the former include among offences committed by women the commission of an offence under the influence of one of the critical states inherent in the female physiology.

ARTICLE 3 OF THE CONVENTION

Pursuant to article 3 of the Convention mentioned above, which stipulates: "States parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men", in 1988, after an exhaustive study, the Government of Honduras approved policies relating to women. Both documents relating to the Nairobi Strategies and the Convention of concern to us were drafted by the Public Sector and private women's organizations. On the national plane the Government's policy at the present time is to emphasize the importance of including among its programmes and projects those which enable women to participate as agents and beneficiaries of development in the national sphere:

- The core of the plan of action relating to these policies is the intensification of measures guaranteeing the full incorporation of women into development, together with application of the range of women's activities in social, economic, political and cultural life, with guarantee for the technical, educational, legal, financial and political instruments permitting such application, together with the adoption of measures at national and international level in order to speed up changes in all spheres.

ARTICLE 4 OF THE CONVENTION

- In connection with article 4 of the Convention, Honduras has not taken any special measures of a temporary nature to ensure de facto equality between men and women. These will possibly be considered in the near future.

- Regarding the maternity benefits, because of the financial costs that maternity brings with it for employers, there is discrimination in the matter of employment.

ARTICLE 5 OF THE CONVENTION

- Regarding article 5 of the Convention and with respect to modifying the social and cultural patterns of conduct of men and women with a view to eliminating prejudices and customary practices based on ideas of superiority or inferiority of the two sexes, as well as the stereotyped roles of men and women, the Government of Honduras has approved the promotion of the training of women in non-traditional areas, by encouraging the incorporation of a certain percentage of women into the enrolment for courses for which there used to be only enrolment of males.

  Furthermore, the Ministry of Education is in process of establishing criteria for ensuring that textbooks and other teaching material should include matter on the equality of the sexes. This measure is being put into effect with public and private participation in order to eliminate the stereotypes which discriminate against women.

With regard to employment, approval has been given to the establishment of machinery permitting egalitarian participation by women in administrative careers within the public sector. There has also been improvement in work opportunities for women in terms of the labour market and an increase in the number of jobs.

There has been increased awareness of the need to revise labour legislation and the conventions that the country has signed on the subject of the protection of women's rights to work.

There is need to establish operative regulations enabling the Ministry of Labour to impose sanctions on discriminatory practices and dismissal on grounds of sex or civil status.

Measures are being sought for the punishment of sexual harassment at work and for ensuring, regardless of sex, equality of rights and opportunities for workers in rural areas.

- With regard to article 5 (b) of the Convention: the reforms which are being introduced into the curriculum and educational material are now incorporating instruction in the subject of family life. Emphasis is given here to the new responsibilities involved in public and private life. Stress is also being placed on the changes that have been brought about by the new roles of men and women. Furthermore, the Family Code, which is intended for the protection of minors, regulates a series of topics. These are as follows:

Under article 42 of the Family Code, both spouses are obliged to look after the family that they have produced and to work together in the upbringing, education and guidance of their children in conformity with moral principles and established custom. Equally, to the extent of their capacity or potentialities, they must take a part in running the household and help to develop it on an improved basis, depending on their abilities and financial capacities. Nevertheless, if only one of them contributes to the subsistence by their work at home and in caring for the children, the other spouse must contribute alone to such subsistence, without prejudice to the duty that they have to help with such work and care.

In accordance with article 43 of the same Code, despite the fact that the spouses have the right to practice their trades or offices, as well as to receive vocational training or further training, while still collaborating in the due manner, they have the obligation to organize home life in such a way that they do not neglect the obligations imposed on them by the Code.

The Honduran Family Code also stipulates:

Even the obligation to live together devolving from matrimony shall cease if the cohabitation gives rise to serious damage for any of the children or spouses. The following have also been added to the new Family Code as grounds for divorce: assault, cruelty or vicious attitudes on the part of parents vis-à-vis the children. The interests of the children enjoy paramount consideration in our legislation.

- Women shall always have a preferential right over the salary, wages or income of the husband, in the quantities required for feeding them and their under-age children. The husband shall have the same right in cases where the woman is obliged to contribute in part or in whole to the family expenses.

- The application, interpretation and implementation of the Family Code is based on the unity and reinforcement of the family, the interests of under-age children, and the equality of rights and obligations of the spouses, etc.

- The right to alimony covers all that is necessary for subsistence, shelter, clothing and upkeep. When the child is under-age, alimony shall include, in addition, whatever is necessary for education.

- Among the grounds on which paternal authority is lost, the new Code lays down the following in the interests of the children:

  (a) Corrupt or scandalous treatment on the part of both parents or one of them, excessive and irrational severity in the treatment of the children, or desertion of the children;

  (b) For an offence committed by one of the parents against the other or against the person of one of the children, when there is conviction by a court;

  (c) When the parents have been convicted two or more times for common order offences, if the penalty exceeds three years in each case;

  (d) Mental disturbance on the part of the parents or one of them, when legally certified.

  According to the new Family Code, the paternal authority has now become a faculty pertaining to both parents, unless by judicial ruling it is conferred on one of them. If there is disagreement between the two spouses with regard to this matter, the competent court will settle it by taking into consideration the well-being of the minor. The court is usually inclined to favour the mother.

- With regard to compliance with the obligation that the spouses have among themselves and with respect to their children to provide care, subsistence and education, the new Family and Criminal Code lay down the following respectively: to include as grounds for divorce a denial of this care and to include a new offence: denial of family care. This is intended to reduce the irresponsibility of those who by law have the fundamental duty to provide means of subsistence for their spouse, children under 21 and any ward under their guardianship. This innovation in criminal law is regulated in the following way:

- Imprisonment of one to three years shall be imposed on those who, legally bound by virtue of the final judgment (after having been authenticated), cease without just cause to provide subsistence for the spouse, children under 21 or a ward in their care.

- Those who in order to evade the obligation to provide subsistence, place themselves in a situation of insolvency, pass on their property to third parties, give up their work, assume obligations or employ any other means of deception shall be punished by a term of imprisonment of six months to one year.

It should be made clear that the sanctions referred to above will be applied without prejudice to the convicted party complying with his obligation to provide subsistence.

The following provision has been embodied in the Constitution and in article 121: "Parents are obliged to feed, care for and educate their children while they are still minors and in other cases where legally applicable. The State will provide special welfare for minors whose parents or guardians are not in a position financially to bring them up and educate them. These parents or guardians will enjoy preference in the exercise of public office under equal circumstances of suitability."

Furthermore, the Constitution also stipulates: "All children shall enjoy the benefits of social security and education."

ARTICLE 6 OF THE CONVENTION

11. In relation to article 6 of the Convention which concerns us and which lays down: "States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women", the new Criminal Code stipulates that: "whoever promotes or facilitates the entry into the country of women or minors of either sex for the purpose of engaging in prostitution, or the exit of them to engage in such abroad shall be sentenced to three or five years imprisonment.

ARTICLE 7 OF THE CONVENTION

12. In accordance with article 7 (a), which calls upon States parties in the first paragraph to "... Take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: to vote, to participate in the formulation of government policy and the implementation thereof, the right to hold office and perform all public functions at all levels of government, and the right to participate in non-governmental organizations and associations concerned with the public and political life of the country", the Government of Honduras has adopted the following measures:

With respect to the vote and eligibility of women, there is no discrimination in Honduras. Since 25 January 1955, the date on which they were considered citizens, the Honduran Constitution has acknowledged the right of women to take part under equal conditions in the political and public life of the country. The relevant Decree was further extended by means of the Constitutions of 1957, 1965 and 1982. The present constitutional text in force lays down the following:

13. Article 36: All Hondurans over the age of 18 are citizens.

14. Article 37: The rights of the citizen are:

1. To elect and be elected;

2. To apply for public offices;

3. To associate together and form political parties and to join or to leave such parties;

4. Anything else that the Constitution and the laws recognize.

15. Article 39: "Every Honduran shall be entered in the National Registry of Persons as a State establishment responsible for civil registration and consequently empowered to issue the identity card to Hondurans. Every Honduran must also record his name with the national electoral census. This register takes note of all documents referring to civil status of persons from their birth until their death, as well as their entitlements with regard to their life as citizens.

16. Article 40: The following are the duties of the citizen:

1. To comply with, defend and ensure compliance with the Constitution and the laws;

2. To obtain the identity card;

3. To exercise suffrage;

4. To exercise the duty of popular election, except when there are justified reasons not to;

5. To perform military service;

6. Whatever else is established by the Constitution and the laws.

17. Article 44: Voting is a right and a public function. Voting is universal, obligatory, egalitarian, direct, free and secret.

18. Article 45: Any act by which the participation of the citizen in the political life of the country is prohibited or limited is declared punishable.

19. The Law governing elections and political organizations, promulgated in Decree No. 53 of 20 April 1951, states in article 6: suffrage is a right and a public function of the citizen, who exercises it by means of a free, egalitarian and secret vote. The exercise of it is obligatory within the limits and conditions established by the law. Article 7 states: all Hondurans who have reached 18 years of age are citizens. This status imposes upon them the duty and invests them with the right to be inscribed in the electoral rolls, to obtain their identity card and to exercise the vote. Article 11 of the same Law states: whenever the conditions of the electoral organization permit, Honduran citizens resident outside national territory shall also have the vote. The National Electoral Tribunal shall regulate this provision, with the affirmative and unanimous vote of its members.

20. Article 9: All Honduran citizens inscribed in the national electoral census are members of the electorate unless they are covered by the

prohibitions established by the law. Article 10 defines which Hondurans may not exercise the right to vote; those who are deprived of their political rights by a final judgement; those who are in prison for an offence carrying a punishment of more than five years; those who are deprived of their freedom by a final judgement passed on account of an offence but who are fugitives; those who are under civil interdiction and those who are active servicemen in the armed forces and security forces or State police. Likewise the guards of the penal establishments. The only exception is civilian personnel who perform auxiliary administrative services in the armed forces.

21. Regarding article 7 (b), although in accordance with the following provisions the principle of proportional representation is established, this is not applied in practice as far as the equality of sexes is concerned.

22. The constitutional article concerned states that: "There shall be adopted a system of proportional or majority representation in cases determined by the law in order to declare the candidates for popular election elected to office.

23. Article 18 of the electoral Law states: "Political parties must guarantee their members, through appropriate statutory provisions, direct and representative participation in the election of their authorities and their candidates and in the inspection of their property.

24. Article 19 of the same Law states: "When there are different movements, currents or internal tendencies in the election of government authorities or parties or when candidates are selected for popular election, the principle of proportional representation shall be respected.

25. Furthermore, it is also provided for that the lists of candidates are to be made up by and recorded by the central directorates of the political parties, with respect for the principle of proportionality.

26. The customs and concepts of inferiority which deprive women of respect and the timidity with which women have tolerated the influence of social and cultural patterns prevailing in the environment tend to inhibit in practice the compliance with the legislative provisions. In the case of the proportion of women who have to be taken into consideration for the positions below, the following results were obtained:

- Of 124 deputations, nine are the responsibility of women;
- Of nine magistratures, only one is occupied by a woman;
- Of 13 Secretariats of State, one is the responsibility of a woman.

27. The above figures are contradictory if we bear in mind that 51 per cent of the voters are women. Regarding article 7 (c) of the Convention in question, it should be said that the Honduran women participate in and administer all types of non-governmental organizations and associations engaged in public activities. For example, Honduran women are active in women's urban and rural organizations, such as trade unions, professional bodies, municipal associations and so forth. Participation by women is manifested in the form of simple membership or as members of the administrative board.

28. Regarding article 8 of the Convention, which states that: "States parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations", despite the fact that at the present time Honduras has no woman ambassador, three consular posts are occupied by women (New Orleans, Athens, and Atlanta, Georgia), there are 15 women chargés d'affaires in the following places: Hamburg, Germany; Atlanta, Georgia; Athens, Greece; Boston, Massachusetts; Birmingham, Alabama; Montreal, Canada; La Unión, El Salvador; New Orleans; New York; Rio de Janeiro, Brazil; Tampa, Florida; France; the Vatican; Belgium, and in the Republic of China.

29. Other foreign service posts are also being filled by women, who act as supporting staff.

30. With regard to article 9 of the Convention which obliges States to grant women equal rights with men to acquire, change or retain their nationality, Honduras signed the Convention on the Nationality of Married Women in 1934, and ratified it for the first time in its Constitution in 1936. Although that legal corpus has undergone modifications since then, the present Constitution states clearly: "Neither matrimony, nor its dissolution, affect the nationality of the spouses or their children."

31. As far as article 10 on the subject of discrimination against women in relation to opportunities for education is concerned, the situation is summarized in the following paragraphs:

32. In Honduras there is no discrimination with regard to women in education. Women today are free to choose whichever career they prefer, such as veterinary surgeon, foresters etc. In the past many of these occupations were reserved for men.

33. The constitutional Law governing education contained in Decree No. 79 establishes equal privileges for men and women. Article 2 of the Law states: "Education is an essential function of the State for the purpose of preserving, encouraging and spreading culture, and maximum opportunities to acquire it must be accorded, without discrimination of any kind."

34. Constitutionally, Honduras has stressed the fact that Honduran education does not make any distinctions as regards the services it offers. Article 51 of the Magna Carta lays down: "Education is an essential function of the State for the preservation, encouragement and spread of culture, which must project its benefits on to society, without any form of discrimination. The education shall be secular and founded on the basic principles of democracy; it shall inculcate and encourage in pupils profound pro-Honduran sentiments and shall be directly linked to the process of the country's economic and social development."

35. The quality of the education is also guaranteed constitutionally by means of the following provision:

> "No educational establishment may impart knowledge that is inferior in quality to the level required by law."

Furthermore, article 155 of the Constitution of the Republic clearly states:

> "The State recognizes and protects the freedom of teaching, research and apprenticeship."

36. Eradication of illiteracy is a prime task for the State. It is the duty of all Hondurans to work together for that end.

37. Article 3 of the constitutional Law governing education states: "Education is the right of all inhabitants of the Republic and the State is obliged to provide it in the broadest and most suitable form."

38. With regard to pupils and students with limited financial resources, the above Law states: "The State shall establish school health and welfare services for pupils lacking resources enabling them to enjoy the benefits of education." The same Law regulates the teaching of literacy and adult education as well as education for the development of the community. In this connection we should mention that the lack of financial resources has made it impossible to offer Hondurans from the country the same opportunities that are accorded in the towns.

39. As regards article 10 (f), although Honduras is not taking measures to reduce the female drop-out rate, nor implementing programmes intended for those who abandon their studies, the relevant proposal has been put forward and will be kept in mind when designing the education policy to be followed.

40. Regarding paragraph (g) in the same article, although there is no discriminatory legislative measure in this respect, practice of what is mentioned has not involved the desired percentage of the population. All the educational programmes contain plans in that connection.

41. Among the reasons that may lead to the irregular practice of such, we can cite the following:

- Despite the meagre Government budget, there has been investment, though not on the scale desired, in the establishment of country recreation centres intended to promote sports and physical education.

- By force of custom, hardly any such practices have been included in the programme for the everyday life of married Honduran women.

- Apart from the pre-school educational establishments, schools and higher educational establishments, which include such practices as obligatory, there is no sound national consciousness of the beneficial effects of sport and physical education on the health of Hondurans.

- In many cases a routine way of life and meagre financial resources may still influence women psychologically, inducing them to focus their activities strictly on subsistence and to concentrate in most cases on functions that are purely domestic or sometimes vocational in nature.

42. Regarding paragraph (h) which basically calls on States parties to provide access to specific educational information and advice so as to ensure the health and well-being of families, the Government of Honduras has undertaken the regionalization and further expansion of the Ministry of Health and PAHO project entitled: "Women, health and development".

ARTICLE 11 OF THE CONVENTION

43. In consideration of article 11 of the Convention, which in striving for the equality of men and women calls for the adoption of all appropriate

measures to eliminate discrimination against women in the field of employment, the Government of Honduras, pursuant to the following paragraphs, has acted as follows: with regard to the right to work as an inalienable right of all human beings, the Constitution stipulates that every person has the right to work, to choose freely his or her vocation and to relinquish it under equitable and satisfactory working conditions, and the right to protection against unemployment. The law guarantees stability - equal pay for equal work.

44. As regards the right that Honduran women enjoy in the egalitarian sense in relation to opportunities for employment, there is no discrimination as far as legislation is concerned. Despite that fact, and especially in the private sector, men are preferred because of their greater physical strength and by virtue of being exempt from certain problems - leave on account of abnormality during pregnancy, confinement, breast feeding etc. In the same sector and with specific reference to intellectual or vocational work, no discrimination is practised, since the entrepreneurial sector in its own interests would tend to be motivated by whether a man or a woman had more to offer in performing the task. If the woman were thought to have greater ability than the man, the enterprise would consider such leave to be compensated for.

45. With regard to the selection criteria in governmental sectors, the first Civil Service Law does not make any distinction provided the candidate meets the required conditions for the job, or where appropriate, passes examinations of competence or wins an open context in conformity with the requirements established by that legal body.

46. With regard to article 11 (c) et seq., neither does Honduras have any discriminatory legislation with regard to rights to promotion and job security, benefits and conditions of service, training, retraining, advanced vocational training and recurrent training.

47. Honduran women, in the same way as men, are governed in employment and social security by the constitutional principles developed in the Labour Code (Decree 189 of 19 May 1959); the Law governing the Honduran Social Security Institute and its regulations (Decree 140 of 19 May 1959); the Civil Service Law and its regulations (Decree 126 of 30 November 1967); the Law governing the Vocational Training Institute (Decree 10 of 28 December 1972); the law governing minimum salaries (Decree 103 of 20 January 1971), and Decree 112 of October 1982 governing payment for the seventh day and thirteenth month. Despite the fact that these are applicable equally to men and women, in practice there are discriminations which are very difficult to overcome because of the economic situation prevailing in the country. In private enterprises inequalities in the case of non-professional women are more obvious. Given these circumstances, the women fall into line in order to keep their employment.

48. In connection with the right to social security in the event of retirement, unemployment, sickness, invalidity, old age and other incapacity to work, in Honduras the Labour Code, the Social Security Law, the Civil Service Law and various others envisage in their respective ways the following treatment for working men and women:

LABOUR CODE

49. Workers who are exposed to occupational hazards are entitled to:

(a) Medical and surgical care;

(b) Supply of medication and equipment for therapy;

(c) Fixed benefits;

(d) Payment covering transfer and stay in hospital and expenses incurred on board and lodgings when the person concerned needs to receive treatment and live at a place different from his normal residence or place of work.

In the event of occupational hazards which materialize, employers are obliged to provide prompt medication, therapeutic equipment and medical care, as needed. For this purpose every employer must keep at his plant or workshop the medication necessary for first aid stipulated by the General Labour Inspectorate.

50. Every employer who has 100-400 permanent workers in his service must provide a dispensary fitted out with the medication and equipment necessary for emergency medical and surgical aid; it should be run by competent staff under the direction of a Honduran doctor or surgeon, legally practising the profession, and if in the opinion of the latter the proper medical care cannot be provided on the spot, a worker meeting with an accident must be transferred to the nearest town with a hospital or place where he can be treated, this being the responsibility of the employer and performed at his cost.

51. In certain cases employers may fulfil their obligations to the workers by signing contracts with hospitals or clinics, under which the workers can be treated in case of accident or occupational illness.

52. In case of death the compensatory payment should be approved by the corresponding labour tribunal, which will access the relationship between the children, spouse or concubine.

53. If the occupational hazard results in permanent or temporary incapacity, whether total or partial, the affected worker alone has the right to the compensation that the Labour Code establishes. If through an occupational hazard occurring the worker remains, totally or partially, mentally incapacitated, the compensation will be paid only to the person who lawfully represents him.

54. Injuries which without causing incapacity result in serious mutilation or disfiguration of the victim for purposes of compensation will be equated with a permanent partial incapacity.

55. When the occupational hazard causes temporary incapacity in the worker, the compensation will be a payment of 75 per cent of the salary which he has stopped receiving while unable to work. This payment will start from the first day of the incapacity.

56. When the worker is not in a position to return to work three (3) months after the incapacity began, he himself or the employer may request that on the basis of the relevant medical certificates, the reports submitted and all relevant tests a decision should be taken on whether the patient should continue with the same medical treatment and enjoy the same compensation, or whether he should announce his permanent incapacity, with the compensation to which he has a right. If after the lapse of a year the temporary incapacity has not ceased, the compensation will be governed by the provisions relating to permanent incapacity.

57. The compensation which the worker should receive in cases of total or partial permanent incapacity will be full payments, without any deduction of the wages which he may have received during his treatment.

58. With regard to holidays, according to the Labour Code the worker has the right to paid annual holidays, the length and timing of which is regulated by the same Code.

59. In the event of an unwarranted dismissal the employer will pay in cash, in addition to the lawful compensation, the part corresponding to the period worked.

60. The period of paid holiday to which every worker has the right after every year of continuous work in the service of the same employer shall have the minimum duration indicated below:

(a) After one year of continuous service, 10 consecutive working days;

(b) After two years of continuous service, 12 consecutive working days;

(c) After three years of continuous service, 15 consecutive working days;

(d) After four years or more of continuous service, 20 consecutive working days.

61. As far as safeguarding the health of workers is concerned, employers are forbidden to require the performance of work which poses a risk for the health or the life of the worker, unless this condition is expressly agreed on.

62. If the worker falls victim to an illness which is not occupational nor caused by a work accident, he has the right to the relevant suspension of his work contract, on the basis of which the employer may terminate the work contract, without liability on his side. The worker who intends to resume his work must indicate this fact once he has been requested to through the Ministry of Labour and Social Security.

SOCIAL SECURITY LAW

63. Notwithstanding the fact that social security has benefited huge segments of the population, its sphere of application is limited to certain geographical areas and categories of insured people. Social security coverage takes the form, inter alia, of subsidies for temporary incapacity or maternity, mother care, pensions for permanent incapacity, disability, age and widowhood, grants for funerals, general medical care and so forth. The modality, amount, time limits, conditions and limitations applicable to these benefits are indicated specifically in the Social Security Law and its regulations. These legal texts also regulate the extension in certain cases of benefits to families.

64. Despite the fact that the Government has been concerned with extending the coverage of the population and of risks, economic factors are an obstacle to attaining this aim. At the present time this has been made manifest by the issue of Decree 46/89 in May, which introduces reforms into various articles of the Social Security Law. Mention can be made of the following innovations:

1. With regard to article 2 of the Social Security Law, the word "risks" has been replaced by "contingencies and services" and now covers new situations which can be added to those already envisaged:

(a) Illness, non-occupational accident and maternity;

(b) Working accident and occupational illness;

(c) Old age, invalidity and death;

(d) Subsidies for families, widows and orphans;

(e) Enforced stoppage on legal grounds or proven unemployment;

(f) Social services of collective benefit.

At the end of the article there is mention that the Social Security Administration Board will have to introduce the system in a gradual and progressive manner as far as it concerns nuclear populations, the risks to be covered and the geographical areas to be incorporated.

2. The compulsory insurance scheme has been extended to other persons. Article 3 with its inclusions will be taken as applicable to:

(a) Workers who draw wages in cash or in kind in the case of both sexes and who render their services to a natural or legal person, whatever the type of labour relations connecting them or the form of remuneration;

(b) Officials and employees of the decentralized, autonomous, semi-autonomous and split-up entities of the State and the municipal authorities;

(c) Public officials and employees;

(d) Workers who work in commercial or industrial enterprises or in the mixed type deriving from agriculture and forestry;

(e) Commission agents who act professionally on somebody's part, with mandates for commercial transactions;

(f) Persons who work for an employer under an apprenticeship contract in accordance with the Labour Code.

65. The regulations put out by the Administrative Board establish the conditions under which the above-mentioned groups would come under the scheme. The groups subject to special public social welfare schemes would not come under the system governed by the present law as far as the benefits they receive are concerned.

3. Workers who under article 4 of the Social Security Law and article 6 of the regulations were exempt from compulsory social security, have now been added to the new categories of persons coming under social security schemes. These are:

(a) Workers who stop being insured and express a wish to continue in the scheme;

(b) Domestic servants;

(c) Workers employed at home;

(d) Independent or autonomous workers such as professionals, owners of small businesses and handicrafts workshops, taxi-drivers and other non-salaried workers;

(e) Employers and physical persons with insured workers in their service when they are not insured under the terms of this Law;

(f) Members of cooperative companies and other associations of workers and peasants legally constituted;

(g) Itinerant vendors and similar persons whose activity is performed on the basis of commission, fixed wages or a mixed system;

(h) Owners engaging in farming or stockbreeding activities in accordance with their needs and possibilities, the social conditions in the country and the features of the various schemes;

(i) Seasonal and occasional workers;

(j) Officials and employees of the Executive, pensions, teachers and journalists provided the Teachers' Welfare Institute, the Social Security Institute of the College of Journalists and the Institute of Pensions for Employees and Officials of the Executive subscribe to the amount of the relevant pension under conditions determined by actuarial study; these social security organizations assume the responsibility for personal contributions and contributions by the State;

(k) Pensioners from other social security establishments;

(l) Other persons who engage in profit-making or non-profit-making activities, such as sportsmen, students and clergy;

(m) Sea workers, or in other words those who engage in maritime jobs, fishing and navigation in coastal waters.

66. The Administrative Board of the Honduran Social Security Institute, via the regulations, will establish the conditions under which the above groups and similar persons will be protected by social security.

67. It should be mentioned that the guidance, direction and administration of the general social security scheme is the responsibility of an autonomous body known as the Honduran Social Security Institute (IHSS). This is a corporate body with its own property, distinct and independent from the national Treasury.

68. With regard to article 11.1 (f) of the Convention, there will be simultaneous development with the ... [text missing]

ARTICLE 12 OF THE CONVENTION

69. Article 38 (d) of the Civil Service Law envisages for civil servants the right to enjoy paid annual holidays for a period of 12 working days, after the first year of service and during the first five years; 18 working days from the fifth year of service, and 24 working days after ten years of service.

70. Under the same Law civil servants have the right to enjoy paid leave for justified reason, such as illness, pregnancy, accident, bereavement, scholarships and training programmes in conformity with the relevant regulations. They also have the right to a pension under special laws and to enjoy the benefits established by the Social Security Law in the forms determined in the regulations and programmes of the relevant institutions. In the event of public dismissal:

(a) The right to reinstatement with the right to receive the wages due throughout the time that the case was being heard, without prejudice to the provisions relating to promotion, transfer and exchange applicable;

(b) The right to receive compensatory payment due under the Law when reinstatement is not possible.

2. Marriage and motherhood: pursuant to article 11.2 of the Convention, which calls for measures to prevent discrimination against women on grounds of marriage or maternity and to ensure their effective right to work, Honduras has complied with this action by prohibiting the dismissal of any woman worker on grounds of pregnancy or lactation, when it has occurred within the period of pregnancy or within the first three months after confinement, and without the authorization of the Inspector of Labour or the municipal authorities at places where there is no such official.

- A female worker dismissed without the competent authorization has the right to payment of compensation equivalent to wages for 60 days, apart from the compensation and benefits which would be applicable under the work contract, together with the payment of ten weeks of paid leave dealt with in this chapter, if it has not been taken.

- Under the Code of Labour the only reasons for dismissal can be the following:

  (a) Deception on the part of the worker or the trade union proposing him by submission of false recommendations or certificates regarding his ability. This ground will cease to have effect after 30 days of service by the worker;

  (b) Any act of violence, injury, ill-treatment or serious breach of discipline committed by the worker during his service against the employer, members of his family, managerial personnel or fellow workers;

(c) Any act of serious violence, injury or ill-treatment outside his service against the employer, members of his family, representatives or members, managerial personnel, when committed without immediate and sufficient provocation by the other party or without which it would be impossible, as a consequence, to live in harmony and accord for the performance of the work;

(d) Any material damage caused intentionally to buildings, works, machinery or raw materials, tools or other objects concerned with work, and any serious negligence endangering the safety of persons or things;

(e) Any immoral or criminal act committed by the worker in the workshop, establishment or place of work, when duly proven to the competent authority;

(f) Divulging of technical or commercial secrets or making known matters of a confidential nature to the detriment of the enterprise;

(g) When the worker has been sentenced to a penalty for a crime or simple offence in a final judgement by a court;

(h) When the worker stays away from work without the permission of the employer or without sufficient grounds for two full consecutive days or for three working days at the end of a month;

(i) A manifest and repeated refusal by the worker to adopt precautionary measures or to follow the procedures indicated for avoiding accidents or illnesses; or when the worker fails to obey in like manner and to the detriment of the employer the regulations that the latter or his representative clearly lay down when directing the work in order to achieve maximum efficiency and return for the work being done;

(j) Incompetence or manifest inefficiency by the worker making it impossible to fulfil the contract;

(k) Discovery that the worker has an infectious illness or incurable mental state or has contracted a disease that is transmissible, has to be reported, but does not require isolation, when the worker refuses treatment and is a danger to third parties; and

(l) Any grave violation of the special obligations and prohibitions incumbent upon the worker or any serious fault described as such in collective accords or Conventions, arbitral rulings, individual contracts or regulations, providing that the fact is duly proven and that in the application of the sanction the relevant regulatory or contractual procedure is observed.

71. Notwithstanding the provisions of article 112 (J), a lower output for reasons of pregnancy shall not be understood as a just cause for dismissal.

72. Furthermore, before deciding whether the dismissal is right or wrong, the official must hear the woman worker and obtain all the evidence requested by

the parties. When it is a municipal mayor who examines the request for leave, justification of it is of a provisional nature and should be reviewed by the nearest resident Inspector of Labour.

73. Article 124 of the Labour Code lays down the following: the employer may not terminate a pregnant woman's work contract without first justifying it before the labour tribunal on the basis of one of the grounds listed in article 112. In such a case the working relationship will continue until the post-natal rest period is complete or until the final judgement in which the contract is terminated is enacted.

74. Women workers who consider that their rights have been trampled on by dismissal may have recourse to the courts of justice. The court will finally resolve the matter according to law.

75. As regards the legal treatment of a woman worker who under the civil service regulations has been dismissed on grounds of pregnancy or maternity leave, despite the fact that this Law does not make specific reference to this state, it entitles her to raise the matter with the Civil Service Council within a period of 60 working days starting from the date of notification of the sanction or the dismissal, as appropriate, together with the distance in time. If such does not happen within the given time the sanction imposed will remain in force, unless it can be proved that she was not duly notified or was prevented from submitting a claim on valid grounds. The resolutions of the Civil Service Council resulting from a claim against dismissal may be:

(a) Confirmation of the dismissal, the claim or request being declared null and void;

(b) Reinstatement of the civil servant assigned to a post or reassignment to another with equal grade and salary, with the entitlement to payments due during the time that the case was being heard, without prejudice to what is laid down in article 35 of the cited Law;

(c) Upholding of the claim or petition and instruction to the nominating authority to pay compensation to the civil servant in conformity with the law, when reinstatement is not possible.

76. With regard to the action to institute maternity leave with paid wages or with comparable social benefits, without loss of employment, seniority or social benefits, every woman worker who becomes pregnant in Honduras, in conformity with the Labour Code, enjoys compulsory rest, paid in the same way as her work, for four months preceding confinement and six months following it, and keeps her job and all the rights contained in the work contract. If the wages are not fixed, as in the case of piecework, the average salary earned by the worker in the last year of service or throughout the time she works, if less, will be taken into account. For the purposes of compulsory rest the woman worker must submit to the employer a medical certificate which must indicate:

(a) Her state of pregnancy;

(b) The probable day of confinement, and

(c) The day from which she should start the rest, bearing in mind that it should start at least four weeks before confinement.

77. Any doctor who discharges a function paid by the State or by its institutions, shall issue the certificate without cost, on presentation of which the employer will acknowledge receipt of it for legal purposes.

78. With regard to article 11.2 (c) which is worded as follows: "To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities", for financial reasons Honduras has not found it possible to set up an adequate number of centres providing this type of service.

79. With regard to article 11.2 (d) of the Convention: "To provide special attention to women during pregnancy in types of work proved to be harmful to them", Honduras classifies the following work in the Labour Code as work governed by special regulations: work done by women and minors, with the following provisions being established in this connection not only for the treatment of pregnant women, but for women in general:

> "The work of women and minors shall be specially suited to their age, condition or physical state and to their intellectual and moral development.";
>
> "Women may not carry out work that this Code in matters of health and hygiene and safety regulations considers unhealthy and hazardous."

80. Honduran women, especially during the time immediately preceding and following confinement, are exempt not only from performing hazardous work, but from any type of work, since they enjoy paid leave during the obligatory rest period. This provision refers to a confinement assumed viable.

81. In the event that the woman worker who during pregnancy undergoes abortion or non-viable premature confinement, she has the right to a period of 2-4 paid weeks, with the wages that she received at the time of starting the rest period.

82. In order to enjoy the leave described in this article, the woman worker must provide her employer with a medical certificate:

1. Confirming that she has had an abortion or premature confinement, with indication of the day on which it took place; and,

2. Indicating the period of rest that she needs.

83. In such a case, when the woman worker remains absent from her work for a longer time than was granted, as a result of an indisposition which according to the certificate stemmed from the pregnancy or confinement, and when it incapacitated her for work, she shall also be entitled to the benefits indicated for pre- and post-natal repose for the time span required for recovery, provided it does not exceed three months.

84. In the event that a woman remains absent from work for more than three months, as a result of an indisposition which according to the medical certificate stems from pregnancy or confinement and incapacitates her, she shall enjoy leave which, unless there is agreement to the contrary, will not be paid throughout the time needed for her recovery, but with her employment and the contract entitlements being preserved.

ARTICLE 12 OF THE CONVENTION

85. With regard to article 12.1 of the Convention: in areas of health care and safeguarding of the reproductive function, in Honduras there is no discrimination based on difference of sex in areas covered by social security. Nor is there as regards family planning.

86. Under the Social Security Law and the regulations for applying it, the right to medical care in case of maternity is enjoyed by the insured woman and the wife of an insured man or, failing that, his companion. Without need for contributions the persons mentioned will be granted free pre-natal, natal and post-natal care. The right to obstetric care will start on the day on which the relevant medical service of the Institute certifies the pregnancy. Confinement will be looked after in the Institute's hospitals. When the doctor treating the pregnant woman advises it, the father of the child about to be born should undergo a medical examination. The pregnant woman should take advantage of the medical services of the Institute from the beginning of gestation as often as the doctor feels necessary in order to receive instructions relating to her state.

87. In the event of illnesses devolving from the pregnancy, confinement or post-natal period, medical attention will be given in conformity with the regulations established by the Department of Medical Services.

88. An active insured woman, the children of an insured man or woman (up till five years), an insured person out of work and a pensioner with a total disability or old-age pension, shall have the right, subject to the regulations fixed by social security, to medical care of the type mentioned in the following paragraph.

89. Although the following provision refers to working men and not working women, it is understood to be equally applicable to women: "Workers who act as officials and employees of decentralized entities and those of private enterprise who retire or are pensioned off are entitled to the following benefits:

(a) General and specialized medico-surgical care, hospital and pharmaceutical care and dental attention, except for the fitting of dentures. The Institute shall issue norms and regulations to govern the conditions under which these benefits are granted.

90. To avoid a situation in which the woman works during the period of rest, an insured woman is awarded a maternity grant enabling her to satisfy her most immediate requirements. The right to the grant is subordinate to the repose of the beneficiary, who must abstain during that time from performing any paid work. The grant is not awarded when the insured woman is out of work at the time of initiation of the pre-natal rest period. Nevertheless, if she remains out of work after the maternity rest has begun, she can continue to enjoy the grant. Involuntary abortion is considered as an illness for the purposes of this grant. When the Social Security Institute does not award the insured woman a maternity grant, the right to paid rest referred to in the Labour Code still obtain.

91. An employer cannot grant leave when the insured person is undergoing a period of rest through temporary incapacity or maternity rest, and the starting date of such must be postponed until the rest ordered by the

Institute has terminated. If the insured person is on leave at the beginning of the temporary incapacity leave or maternity leave, holidays will be suspended until the prescribed period of rest has ended, and have to be completed after the end of that period.

92. In order for the spouse and the children under five of the insured person to enjoy the right to medical care granted by the regulations for application of the Social Security Law, they must be enrolled at the Institute. The female partner of the insured person, for all purposes of social security, will be made equal to the wife, if he does not have one, provided that she has been put down as the beneficiary for at least 10 months prior to the date of benefit of the service and depends financially on the insured person. In order for the partner to be put down as the beneficiary, the insured person and his partner have to be single.

93. Notwithstanding the fact that the insured person may enrol a new beneficiary to replace the previous one, if the previous beneficiary is pregnant or at the post-natal stage, the latter receives the services until the end of the post-natal period. From then on, there will be a period of 10 months for the new beneficiary.

94. Honduran working women who reside mainly in Tegucigalpa and San Pedro Sula have better opportunities for enjoying the medical services offered by the following medical centres and establishments: in Tegucigalpa - the Honduran Social Security Institute, the Hospital School and dispensaries (Protestant and Catholic), among which the best known are those established by the Sor Maria Rosa, Iglesia Guadaloupe, and Carmen religious groups; in San Pedro Sula there are also dispensaries of equal grade such as the Catarino Rivas Regional Hospital. The latter looks after the local population of the north coast and in the same way as the Hospital School belongs to the Ministry of Health.

95. The Hospital School renders a very extensive service, being the most complete one for the referral of cases, with the sole exception of psychiatric consultations and services.

- Also located in Tegucigalpa is an AIDS centre which is free of cost and offers an in-patient service.

- In order to extend without distinction the services facilitating access by men and women concentrated in other geographical areas, regional hospitals have been set up in San Pedro Sula, Ceiba, Choluteca, Santa Rosa de Copan, Juticalpa and Comayagua.

- Access to the medical care centres and establishments which have been referred to is contingent, according to the case, on the payment of virtually symbolic amounts, which are only increased in the case of radiological examination and in-patient services. In any event the care obtained in this way is practically free.

- Without seeking to make any discrimination, these centres are in a position to help with the planning work; however, on very rare occasions Honduran men resort to vasectomy. Women go there most times to learn about birth-control and sterilization techniques, etc. A married woman who wishes to be sterilized must submit authorization by her husband to the relevant medical care centre. A minor girl who has no husband or partner needs the authorization of an adult.

ARTICLE 13 OF THE CONVENTION

96. With regard to article 13 of the Convention, the following situations are observed in Honduras.

97. As far as family benefits are concerned, and the right to bank loans, mortgages and other forms of financial credit, the Constitution guarantees in its article 121 the obligation to feed, care for and educate children during their minority and in cases in which it is legally appropriate. As far as the family benefits are concerned, the State provides special welfare to minors whose parents or guardians are financially unable to ensure their upbringing.

98. Parents or guardians enjoy preference in the occupation of public posts under equal circumstances of suitability.

99. The Civil Service Law, of which article 134 governs the selection of candidates for public office stipulates that the parents of a family with five or more minor children are entitled to two points of preference for each minor child over the pass note.

100. For the purposes of this provision the father of a poor family is taken to mean one whose annual income is not in excess of 2,000 lempiras and one on whom the relatives referred to in the first paragraph are economically dependent.

101. It is assumed that these persons live at the expense of the father of the poor family, dwell in the same house and lack totally or in part resources of their own for their maintenance; if these conditions do not exist, the preferential point entitlement shall not apply.

102. By Decree 251 of 6 April 1978, governing the assignment of plots of land for the construction of socially useful housing, they are granted primarily to single men and women who perform the duties of heads of family with five or more children under 16 years of age. They are also allotted to married couples with five or more children under 16.

103. Any of the above with a smaller number of children and married couples without dependants and single persons.

104. In connection with the bank loans with guarantee of mortgage, these are granted without any discrimination. With regard to personal loans, the private bank demands from women a solvent sponsor, who may be the husband or anybody else who is solvent.

105. In 1983 the Honduran Government authorized the establishment of the Women's Bank. There are also other types of institutions and organizations which benefit women by granting supervised funds, such as UNISA.

ARTICLE 14 OF THE CONVENTION

106. In relation to article 14 of the Convention, which refers to the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families and commits States parties to allow women to participate in the elaboration and implementation of

development planning at all levels, to have access to adequate health care services, including information, counselling and services in family planning, to benefit directly from social security programmes, to obtain all types of training and education, formal and non-formal, including functional literacy, to organize self-help groups and cooperatives, to participate in all community activities, to have access to agricultural credit and loans, marketing facilities and appropriate technology and equal treatment in land agrarian reform and to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications, in Honduras the socio-cultural patterns, institutional poverty, lack of financial support, uncontrolled flooding, texture of the salary, absence of a true roadway and irrigation infrastructure, lack of State resources for mechanizing wages and undertaking programmes, lack of motivation for the creation and fulfilment of a programme for everyday life, absence of spiritual and material support among spouses or couples, family economic privations, and under-evaluation of Honduran women in terms of their capacity have been obstacles in the way of implementation of the bulk of the above-mentioned measures. The economic factor, as is logical, has to a large extent reduced the chances of these measures becoming reality.

107. Family obligations in many cases compel women who live in rural areas to abandon their studies.

108. At the present time the Government is endeavouring to support educational programmes. These have been accompanied by vocational components tied in with the characteristics of local and regional production, with these programmes also being provided for women who have abandoned their studies prematurely. Attempts are also being made to fit the vocational training programme in with periods of harvesting, type of production and time-tables compatible with the women's responsibilities; the National Board for Social Wellbeing is also expanding a programme of maternal services and vocational training.

109. After consideration of the innovations contained in the new municipalities law for better understanding of the municipality as a unit of priority development, we submit some data on the political division of Honduran territory. These are as follows:

1. Honduran territory has been divided into 18 departments. The departments divide up into townships which are represented by municipalities. The departmental authorities are governed by the Law on Municipalities and Political Regime. The political or departmental governor is the Chief Administrator of the department and is appointed by the Executive through the Ministry of Internal Affairs and Justice; he resides in the administrative centre of the department.

2. Despite the fact that so far: (a) the political or departmental governor has been considered as an intermediary between the Central Power and the local authorities, in addition to other powers with which the old Law invested him, (b) the township has been considered autonomous from the legislative point of view; there has not been any true contact between the municipal authorities and their hierarchic superiors. Nor has the township in practice been enjoying autonomy.

110. With the entry into force of the New Municipalities Law next year, it is hoped that there will be an improvement in the living conditions of women and

of the population as a whole. The aim is that the townships can live off their own wealth, with the support of the Central Government. Municipal budgets will be drawn up in conformity with the Central Government guidelines. Deputy mayors will improve their contact with the communities making up the townships in order to understand the problems and propose solutions to the relevant municipal corporation. Agricultural, stockbreeding, commercial and industrial activity will be subject to greater control. As far as possible the townships will implement projects for urban reform and encourage programme activities for social housing. The Government and the municipal administration have been subjected to a more appropriate regulation. The new municipal autonomy will still influence in the psychological sense the population of the relevant jurisdictional area, as soon as it undertakes efforts to preserve the cultural, folkloric and other civic values. The new Law on Municipalities also envisages the allocation of personnel who will meet latent needs in the different municipalities in specific areas which are now lacking. Public services have been given attention in the relevant Law as regards maintenance and administration.

111. For some years now the Republic of Honduras, aware that 66.7 per cent of the economically active population is rural and depends for its subsistence on land-based activity, has been engaged in certain institutional activities, some examples of which are given below:

- FEHCOCAL E IHCAFE has been operating jointly in an effort to improve the quality and yield of their products together with the grade of the marketed product;

- A national extra-curricular education programme has been one of the measures adopted to make the two major policies of national education more viable: democratization of education and its linkage with the development process;

- Natural resources have required in practice a national programme for the creation of natural resources geared to agricultural techniques and to implementing the programme of the agricultural training centres located at Catacamas (Olancho) and Choluteca and La Esperanza (Intibucá);

- The previous Honduran Banana Corporation (COHBANA), as far as its resources permit, has stepped up national participation in the production, international shipment and marketing of bananas, and has also rendered assistance to both large and small producers, cooperatives and groupings established in banana-growing areas. All of that in addition to the administration of banana projects in the Aguan and Sula valleys;

- The Ministry of Education, via the Department of Adult Literacy, has been active since 1966 through its training circulars, and its statistics show an increase in the population covered and number of graduates. In addition to the literacy campaign, there have also been courses on clothes making, flower arrangement, tailoring, woodwork, electronics and other subjects through the so-called Popular Cultural Centre.

- In 1972, INFOP trained several sectors in rural construction, agricultural machinery, cattle-raising, sheep and pig breeding, bee-keeping, and administration of estates. INA also devised programmes for rural women involving their training in housekeeping and small workshops for making clothes and has encouraged courses for cooperative administrators, each lasting five months; all these courses were given in the Aguan sector, since the participants belonged to the project of the same name.

112. The Republic of Honduras, concerned by the fact that the medical care which we have been referring to has not been extended to the nuclear rural populations, has established its presence in the different villages in the form of:

1. Health volunteers who, after the relevant training, provide an analgesics to the villagers and, where appropriate, issue certificates in order to facilitate the work of the nearest medical centres (Cesar or Cesamo). There is usually one volunteer in the whole village;

2. Health guardians: engage in arduous work and give their services free for the detection of the commonest epidemics;

3. Vector inspectors: these come under the Ministry of Health and their main function is to take blood samples to detect malaria.

113. In the main townships throughout the country there are national medical establishments (Cesar and Cesamo centres). Whereas the former are run by a doctor, the latter are in the charge of a nurse.

114. The main problems facing the Cesares and Cesamos relate to the scarcity of medicaments and lack of doctors. The nurses are usually simple nursing assistants.

115. The absence of installations and equipment, added to the lack of personnel at the Cesar and Cesamo Centres, aggravates the problems of these establishments, making it impossible for them to look after cases different from those for which they are programmed. For example, one day is dedicated to prenatal care, and on that day through lack of staff and equipment attention cannot be given to any man or woman who needs a different kind of care. The Government is not in a financial position to remedy this type of situation, which is worsened by the scarcity of medication.

116. In face of the circumstances described it is all the more difficult to put into effect article 12.2 of the Convention so as to ensure for Honduran women living in areas of difficult access proper services in connection with pregnancy, confinement or the post-natal period. The same limitation exists in providing women with adequate nutrition during pregnancy and lactation.

117. At the medical care centres located in San Pedro Sula and Tegucigalpa the same consideration has compelled the centres to supply vitamins and food (milk, flour, sugar) only occasionally and against a payment of 1 lempira.

118. Despite the above, in rural areas the Cesar and Cesamo Centres issue monthly instructions to women who wish to be taught confinement care. At the Cesamo Centres it is now customary to give talks for mothers on breast feeding and child care.

119. "Family planning", in addition to the fundamental work that this name indicates, this organization helps with nutritional activity by selling milk, providing a prescription service and so on, all for a token payment.

120. Finally, it should be mentioned that every medical practitioner graduating from the Honduran Faculty of Medicine is obliged to devise a community project in such topics as drinking water, lavatories, sewage systems, or disposal of waste. All this is intended to improve environmental conditions affecting the health.

121. With respect to Government efforts in the area of cooperatives, mention should be made of the fact that in most cases Honduran men are firmly opposed to their wives or partners joining the cooperative organization. Nevertheless the Department of Rural Education and Training is placing emphasis on this anomaly by means of courses, seminars and meetings which have been held.

ARTICLE 15 OF THE CONVENTION

122. With respect to article 15 of the Convention which commits States to accord to women a legal capacity identical to that of men and the same opportunities to exercise that capacity; equal rights to conclude contracts and to administer property, with equal treatment in all stages of procedure in courts and tribunals; all contracts and all other private instruments which are directed at restricting the legal capacity of women, the movement of persons and the freedom to choose their residence and domicile. No discrimination is practised in Honduras.

123. Honduran women have enjoyed equal civil capacity with men since 1906, when the Civil Code was first issued. Both men and women reach their majority at the civil age of 21, and from that age on both single and married women may administer property, make contracts, and appear in court both as agents and witnesses. They may also dispose of their property in wills and move freely, and since that time married women have not needed their husbands' permission to go travelling.

124. Regarding the choice of residence and domicile, a single woman has been free to choose since 1906, but the married woman only up to the publication of the Family Code in 1984. Before that date the husband decided on the residence and the wife accepted the domicile he chose as head of family.

ARTICLE 16

125. With regard to article 16 of the Convention, which refers to the following rights - to contract matrimony, to choose freely her spouse, to contract the same obligations deriving from the family institution, to place emphasis on the man-woman equality so as to ensure the equality of both, in matrimony as well as in family relations, the following comments can be made.

126. Regarding the right to enter into marriage, this devolves equally from the legal capacity of the Contracting Parties. In accordance with article 11 of the Family Code, marriage must be celebrated on the basis of the legal equality of both parties.

127. Since 1906 Honduran women have been enjoying the same civil capacity as men. Adults of 21 may freely enter into marriage. Nevertheless, the man may enter into marriage at 18 and the woman at 16, if authorization is granted in accordance with the Code. However, marriage entered into by persons who have not reached these ages referred to above is still valid, without the need for express declaration, by the act of non-separation of the Contracting Parties for one month after the minor spouse is 16 years of age, or if the woman has conceived before reaching that age.

128. The spouses have the same responsibilities when they marry or when the marriage is dissolved. During marriage the spouses must live together, stay faithful and mutually assist each other.

129. In the case of dissolution by divorce it is laid down that the innocent woman will enjoy a subsistence allowance for herself as well as the innocent spouse and their children. This entitlement will continue as long as she is of good conduct and does not marry again. The innocent husband shall have the same right if it is impossible for him to engage in work which would bring him means of subsistence as long as he does not marry again.

130. Despite the fact that the right to subsistence (alimony) with regard to the children and the spouse has remained intact, it should be mentioned that with regard to the children at some stage after the divorce the judge may request one of the parents, relatives or Ministerio Público to take action which he considers beneficial for them and which may be motivated by new facts:

- The obligations of the spouses in relation to the interests of the children are aimed at guaranteeing, from the moment when the petition is filed, that the competent judge indicates the legal steps that may be necessary to protect the rights of the children.

- In conformity with article 211 of the Family Code, alimony is due to the spouse and to the blood relatives whether matrimonial or extra-matrimonial.

  As far as the responsibilities of the parents as progenitors are concerned with respect to their children, in Honduras these interests of the children are considered paramount in all cases. For example:

  Article 14 of the Family Code states clearly: "Marriage is based on the equality of the rights and obligations of both spouses", it being understood that this provision is applicable to the inherent responsibilities relating to the children.

- Under article 7 of the Family Code it is an obligation of the parents to provide the children with the means necessary for their development and comprehensive education.

- The parents are obliged as progenitors to look after the family which they have procreated and to cooperate with each other in educating, training and guiding their children, in accordance with accepted custom. Equally, to the extent of their capacities and possibilities they must take part in managing the home and cooperate in its improved development, according to their faculties and economic capacity. Nevertheless, if only one of them contributes to this

subsistence by means of their work at home and the care of the children, the other spouse must contribute alone to the given subsistence, without prejudice to the duty to cooperate in such work and care.

- So much importance has been given in the Family Code to the interests of the children that even the obligation to live together devolving from the marriage ceases for both spouses if the cohabitation brings serious detriment to the children.

- The duties of the parents are extended without distinction to the children. Article 99 of the Family Code states: "All children are equal before the law, and they have the same rights and duties. Qualification as to the nature of the relationship is not recognized. No register or document referring to the relationship shall contain a declaration which in any way distinguishes between the births or indicates the civil status of the parents." Further on the Code stipulates: "For the recognition or declaration of paternity the child is legally part of the family of its progenitors for all the purposes envisaged in this Code."

- The "paternal authority (Patria Potestad)" envisaged in our legislation is conceived as a set of rights and duties that the parents have with respect to the person and property of their children. The legal sense of it is the protection of minors by preventing abuse and imposing sanctions by the loss or suspension of such authority in the case of parents or a mother who commits offences envisaged by the law.

  The paternal authority includes, among other rights and obligations, legal representation of minors, together with the duty to look after them, feed them, care for them, educate them and administer their property.

  The exercise of paternal authority falls upon both parents jointly. However, it may be exercised by only one of them when it is conferred by a judicial ruling or when the other parent is not in a position to exercise it. In the event of disagreement on the assignment of paternal authority, the competent court will decide what is most appropriate for the well-being of the minor.

- Furthermore, it should be mentioned that parents and children must show mutual respect and consideration. Children subject to paternal authority must obey their parents. The parents are obliged to reprimand and correct suitably children subject to parental authority.

  Grounds for suspension of paternal authority are regulated on an egalitarian basis both for the mother and the father. The same concept of equality applies to the woman and to the man who while administering the property of a minor intends to enter into a second marriage.

- In the event of disagreement over the guardianship and care of the children, or if there is an agreement which impairs the material and moral interests of the child or children, the matter will be decided

by a competent court which will be guided solely by what is considered of greatest benefit for the under-age children. Under the same conditions, as a general rule, the children should remain in the charge of the spouse in whose company they have been up to the moment when the disagreement occurred, the mother being preferred if the child has been living with both spouses, except in cases where special grounds favour another solution.

- In the ruling in which divorce is granted, the judge will decide on the quantity and form in which the spouses must look after the needs of the other and the children, and, when applicable, the assignment of common property to meet these obligations. He shall also rule on the paternal authority and guardianship of children.

- Dissolution of the marriage by mutual consent and the agreement of the spouses in relation to the guardianship and care of the children may not prejudice the rights enjoyed by the latter in their capacity as children.

- When declaring the marriage null and void, the competent judge will rule who is to care for and exercise paternal authority over the children, bearing in mind the degree of culpability of the spouses and always seeing to the safety and well-being of the former.

- Regarding article 16 (e) which calls for the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights, the Government of Honduras makes no discrimination.

  Despite the fact that the Honduran legislation makes no exceptions, in rural areas where it is difficult to put family planning into practice there is a problem in applying the action in the Convention, and opportunities for information and education inside the country are governed by the existence or non-existence of communication channels. In other cases the acquisition of means of birth control depends on the financial resources of the family. Information media other than radio broadcasting are really scarce in the country areas, especially in places with difficult access. The Government of Honduras is seeking to remedy these anomalies by establishing small medical care centres in the relatively accessible areas.

- With regard to article 16 (f) providing for the interests of the children to be paramount, the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions, Honduras does not discriminate in any way, all the more creditable when bearing in mind the contents of article 16 (d) that we are commenting on.

  Furthermore, the Honduran legislation envisages the following as circumstances for guardianship: guardianship with respect to a minor who is not under paternal authority or guardianship of an adult.

  Guardianship may be testamentary, legitimate and judicial. Testamentary guardianship is instituted by a testament by the

surviving father or mother for the children who are under paternal authority; by the grandfather or grandmother for grandchildren subject to their legitimate guardianship; by any testator for an heir or legatee if the latter has no guardian nominated by the father or mother or legitimate guardian; and by the adopting party or parties who designate their adoptive son to be heir or legatee.

The parents and grandparents, as applicable, may nominate a guardian for all or some of their children or for each one of them. They may appoint different guardians who can discharge their duties, one in the absence of the other, in the order of designation.

131. Legitimate guardianship of minors pertains in the following order:

1. Paternal grandfather;
2. Maternal grandfather;
3. Paternal grandmother;
4. Maternal grandmother; and
5. The brothers and sisters of the ward and the uncles and aunts, without distinction of sex, preference being given to those from both lines and among them the eldest and ones with greatest capacity.

132. The maternal line will be preferred to the paternal line for guardianship of children outside marriage. However, in order to vary the procedure when there are justified grounds, the judge may appoint as guardian a relative who is in the best position to know and be familiar with the minor, is solvent, suitable and competent, this constituting a guarantee for the satisfactory discharge of the function.

133. Guardianship in the case of adults when they are under interdiction:

1. The spouse;
2. The father and the mother;
3. Adult children;
4. Grandparents.

134. Regarding trusteeship of children, reference has already been made to the impartiality with which the Honduran legislation regulates this subject.

135. Since the fundamental interest of the children has always been present, it has been established that the guardian and the protutor shall not take up their responsibilities until after being appointed by the judge. No guardianship may be appointed without the compliance with all the requirements of the law for the exercise of this office. The guardian shall inventorize and list property belonging to the minor or disabled person within 30 days following acceptance of the post, a time-limit which can be shortened or lengthened at the discretion of the judge in accordance with the circumstances. Under the circumstances, not even at the disposition of the

testator, shall the guardian be exempt from this obligation. When he has made the inventory, the guardian or protutor will be obliged to promote the constitution of the guarantee, unless there is no property or the testamentary guardian has been relieved of the obligation by the testator with regard to property that is inherited, donated, or legated. When, after the appointment of the guardian, something comes up which makes bail obligatory, he shall inform the judge, the guardian or the Ministerio Público for the purpose of effecting the constitution of the guarantee. The guarantee should ensure:

1. Import of the estate received by the guardian;

2. The average rent for the property over the last three years before guardianship; and

3. The profits that during one year the ward may receive from an enterprise. The guarantee should increase or decrease as the value of the goods mentioned increases or decreases, or as the value of the items which the constitution regulates.

The guardian guides the minor into the career, office or occupation which the minor selects, according to circumstances. If one of these activities has already begun during the paternal authority, the guardian cannot change it without the authorization of the judge, for which purpose the minor's abilities and circumstances should be borne in mind.

The guardian may not dispose of his ward's property without legal authorization.

During the exercise of guardianship, the protutor is obliged to defend the minor's rights in court and outside when they run counter to the guardian's interests and to promote the nomination when there is need to remove the person who is exercising guardianship, or when the guardianship is vacant or abandoned.

The guardian may be removed on grounds established by law, but when the guardian or protutor are removed on account of their own fault, there will be no entitlement to any compensation.

The guardian is obliged to keep an exact and documented account of all the operations involved in his administration. At the end of his responsibility he must submit a report summarizing the action taken.

The guardian is then obliged to submit yearly accounts in the same way as at the end of the guardianship. The accounts must be accompanied by supporting documentation. Once the guardianship has been terminated, the guardian is obliged to return all the property and documents belonging to the ward on the basis of the inventory.

Guardianship is ended when the minor reaches the age of 21; through marriage by the minor who is 18 years of age; and through the minor's death.

Honduran legislation considers that the same provisions as for guardianship are applicable to wardshp. A guardian has to be appointed if the person is absent and consequently unable to administer his property, or he cannot exercise his rights by himself or through a legally constituted representative and his whereabouts are unknown.

Those who may request the nomination of the guardian are the Ministerio Público and those appointed by the absent person to meet his demands. The same persons called upon to request the nomination of a guardian may also request the nomination of a warden.

With respect to the interests of the children as a function of adoption that the spouses make, the following rules are observed:

Since only adults 30 years of age enjoying and exercising their civil rights are the only ones that can adopt children, in the event of joint adoption it is only necessary for one of the spouses to reach the age referred to in the first paragraph of the article. No spouse may adopt children without the consent of the other.

Not able to adopt children are spouses who have been deprived of or suspended from the exercise of paternal authority. Nor may those who do not enjoy and exercise civil rights, those who behave badly or have a bad reputation or those who are not considered able to care for and educate the adopted child, adopt children.

Even when the legal requisites for adoption are met, the court will always assess the conditions of cohabitation for the adopted child, in accordance with the circumstances in each case.

An adopting parent must be at least 15 years older than the adopted child, and in the case of the joint adoption the difference will apply to the younger spouse.

If the adopted child is an adult or a disabled adult and has property, the adopting parents are subject to the regulations established for guardianship in the matter of administration.

It is only by means of a judicial order that the registry office can certify expressly that the filiation is adoptive. The adoptee uses the names of the adopting party. In the event of joint adoption the adoptee uses as his first name the male adopting party's first name and as his second name the female adopting party's first name. If the court authorises it, in the same deed the Christian name of the adopted child can be changed.

According to the Honduran legislation, adoption may be simple or full. Simple adoption creates between the adopting party and the adopted child the same legal links which bind parents and children.

The adopting party or parties have paternal authority over the adopted child, but the latter preserves all rights and obligations which connect it with its blood relatives or relatives by marriage.

If one of the spouses adopts the children of the other spouse the adopting party will share the paternal authority with the progenitor.

When for any reason someone who has paternal authority over the adopting child becomes incapacitated de facto or de jure for purposes of exercise, the court will propose what it considers best for the adopted child as far as parental authority or guardianship are concerned.

The rights conferred by simple adoption upon the adopting party shall be suspended or lost for the same reasons as the paternal authority, but in both cases there will be an obligation to provide subsistence for the adopted child on the part of the adopting party or parties.

The adopting party or parties may not enjoy usufruct over the property of the adopted child in the case of simple adoption.

The obligation to provide subsistence is mutual between the adopting party or parties and the adopted child, in compliance with the provisions of the Family Code.

In simple adoption the adopted child has the same rights with regard to intestate inheritance as the descendants of the adopting party or parties; but the adopting party or parties may not be the heirs of the adopted child, except by testament. Simple adoption does not confer hereditary rights on the family from which the adopted child originates with regard to the adopting party or parties' property; nor on the adopted child with respect to the property of the families of the adopting party or parties.

136. Simple adoption can be revoked:

1. If the adoptee makes an attempt on the life or the honour of the adopting party or parties, his spouse, or an ascendant or descendant;

2. If the adoptee causes malicious damage to the property of the adopting party or parties;

3. If the adoptee provokes or denounces the adopting party or parties and imputes to them an offence, except in proceedings instituted by himself, his ascendants, descendants or spouse;

4. If the adoptee abandons the adopting party or parties when they are ill or need care, and ... [text missing]

5. If there is any other serious breach of conduct that is duly proven and which affects the relationship between the adopting party or parties or adoptees.

137. Full adoption: this creates between the adopting party or parties and the adoptee the same legal nexus as between parents and their children. Furthermore, the adoptees form part of blood-related families of the adopting party or parties. The adoptee is fully disconnected from his blood-related family and not liable to obligations for reasons of relationship with his ascendants or blood collaterals. Nor does he have any right with regard to these relatives. Full adoption is irrevocable and cannot be annulled at any time.

SOME EFFECTS IN COMMON TO SIMPLE AND FULL ADOPTION

1. In both cases the adoptee may carry the names of the adopting party or parties. In both cases the judge will make a ruling.

2. The adopting party or parties may exercise paternal authority over the adoptee in compliance with the provisions of this Code.

In the case of divorce, de facto separation or second and subsequent marriage, the same norms will apply to the relationship between the adopting parties and the adoptees as are foreseen for such cases in the Family Code in relation to children subject to paternal authority. Paternal authority exercised by the adopting party or parties is extinguished, suspended or lost for the same reasons as those of the parents of the family, according to the case.

3. Competent courts may either directly or through the relevant State body, either ex officio or at the request of the interested party or by denunciation, investigate the living conditions of the adoptee in order to determine whether they correspond to the rights and meet the obligations of the Code, with the relevant measures being established if they are not.

4. If under any circumstances in full adoption the adopting party or parties cease to exercise paternal authority, a guardian is nominated for the adoptee.

In the case of simple adoption, if the adopting party or parties cease for any reason to exercise paternal authority, such exercise will be incumbent again upon the father or mother of origin of the adoptee.

With regard to rights relating to the woman and her husband to choose a name, profession and occupation, no discrimination is made in Honduras. Both spouses have the right to pursue vocations and offices, for which purpose due cooperation must be provided. Nevertheless, the spouses shall in all cases see to organizing home life, in such a way that these activities are coordinated with the family obligations.

As far as the choice of the name is concerned, the Law governing registration of persons (Decree 150 of November 1982) only states that any person has the right to their individuality and to the name, names and appellations that belong to them once they are enrolled in the civil register.

The first name of a person to be enrolled in the birth register is the first name of the father and the second is the first name of the mother; in default of the father the two names of the mother are inscribed. By law the Honduran woman does not take the name of her husband, but keeps her own.

With regard to compliance with the measures mentioned in article 16 (f), in Honduras there is in practice some discrimination by men regarding the consent of women. It is known to exist in the rural areas inhabited to a marked degree by peasants.

Despite the above, Honduras has taken a very positive step by regulating the situation regarding matrimonial property via the Family Code in the following way:

- Future spouses before celebrating marriage may arrange all matters concerning present and future property; for this purpose they have to enter into marriage settlements. The economic situation in the marriage can be regulated by the community of property, joint ownership of property by married couples and separation of property, without excluding in any of them the formation of family patrimony.

- The marriage settlements may be changed after marriage has been celebrated, but the change shall not be prejudicial to third parties subsequent to it, but only after the new entry has been made in the relevant register, and it has been reported in the official daily "La Gactan" that the spouses have amended their settlements.

- If there are no marriage settlements each spouse remains master and may freely dispose of their property that they possessed when marriage was entered into and the property which they acquire under any heading.

- Via the regulations governing joint ownership by married couples, the husband and the wife retain ownership of the property that they held when marriage was entered into and the property which they may acquire free or with value.

Debts prior to the marriage will be paid with property of the person who contracted them, even when such is governed by the system of common property.

Expenses incurred by illnesses, as well as those stemming from funerals as a result of the death of one spouse or of the children of both will be regarded as common marriage debts, for which the spouses own property is liable, if the common property is insufficient.

Absolute separation of property in no case exempts the spouses from the common obligation to defray the costs of the home, provision of subsistance and education of the children, as well as other matrimonial duties and preservation of family property.

The spouses are the administrators of the conjugal association and either of them may carry out acts of administration separately or by mutual agreement, nominating one of them as administrator.

If any detriment to the interests of the community devolves from the acts of administration, the other spouse may object to them and take the relevent action.